

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re: New York City Policing During
Summer 2020 Demonstrations

Index No. 20-CV-8924 (CM)(GWG)

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DECLARATION OF SHANNON RIORDAN

SHANNON RIORDAN, a member of the Bar of New York and a member of the bar of this Court, pursuant to 28 U.S.C. Â§ 1746, declares under penalty of perjury as follows:

1. I am an Assistant Corporation Counsel in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and one of the attorneys assigned to represent the Defendants in this matter. As such, I am fully familiar with the facts and circumstances of this proceeding. This declaration is submitted to place relevant documents on the record in support of Defendants' Memorandum Of Law In Opposition To Plaintiffs' Motion To Compel.
2. Attached as Exhibit A is a copy of the Affirmation of Thomas Conforti, dated April 19, 2022.
3. Attached as Exhibit B is a copy of the Supplemental Affirmation of Thomas Conforti, dated June 28, 2022.

Dated: New York, New York
July 28, 2022

By: Shannon Riordan Is
SHANNON RIORDAN
Assistant Corporation Counsel

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re: New York City Policing During Summer 2020 :
Demonstrations :

No. 20 Civ. 8924 (CM)(GWG)

**AFFIDAVIT OF NEW YORK
CITY POLICE DEPARTMENT
ASSISTANT CHIEF THOMAS
CONFORTI**

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THOMAS CONFORTI, declares under penalty of perjury and pursuant to 28 U.S.C. § 1746, that
the following is true and correct:

1. I am an Assistant Chief with the New York City Police Department (“NYPD”) and am
presently the Commanding Officer of the Operations Bureau. In this capacity, my primary roles
and responsibilities include overseeing the direction, management, and command of the
Operations Bureau, developing and updating Citywide disaster response plans, and planning for
and coordinating special projects and events, among other things.

2. While I have held the position of Commanding Officer of the Operations Bureau since
October of 2021, I have held a variety of positions within the NYPD since joining in 1992. In the
Summer of 2020, I was the Executive Officer of the Training Bureau and was temporarily assigned
to the Operations Division.

3. I submit this declaration at the request of the New York City Law Department, attorneys
for the Defendants herein, as directed by the Honorable Magistrate Judge Gabriel W. Gorenstein
during the Court Conference on April 12, 2022 (*see* Transcript of 4/12/2022 Conference at 85:7-
87:9), and in further support of Defendants’ opposition to Plaintiffs’ letter motion to Compel the

City of New York to produce documents related to a draft after-action review report that I prepared in the summer of 2020. (Dkt No.463; *see also* Dkt Nos. 481, 482-1.)

4. Beginning on May 28, 2020, protests relating to George Floyd began to occur on a regular basis in New York City (“City”).

5. In the end of June of 2020, then-Police Commissioner Shea tasked me with drafting a report reviewing the police response to those protests. During that time, I reviewed protests that had already taken place as well as those occurring on an ongoing basis.

6. The final version of my draft report reviewed police response to protests that occurred only between May 25 and June 30, 2020; it was approximately 46 pages in all.

7. In preparing my draft report, I reviewed statistical data and other information provided in the following types of documents (as issued or in effect as of May-June 2020):

- Complaint Reports
- Arrest Reports and C-summonses
- TRI reports
- MOS Aided Reports
- Detail rosters
- Training curricula & lesson plans
- Relevant Patrol Guide procedures
- Finest messages
- Intel daily protests sheets
- CJB arrest statistics
- MAPC spreadsheets
- Time records/overtime costs
- Aviation video
- ARGUS video
- CCRB complaints
- IAB logs
- Social media posts
- News articles and other media reports

8. Additionally, I performed informal interviews with approximately 100 members of the NYPD, including some who had already retired from service, mostly regarding their personal

impressions, opinions, and thoughts; all of these current and former NYPD members held ranks below that of 4-star chief, at the request of the Police Commissioner; this included Chief of Patrol, Borough Chiefs and Executive Officers, among others.

9. By “informal” interviews, I mean that they were unofficial and members of the service were not compelled to cooperate with this interview. Rather, it was part of my information gathering process to review the NYPD’s response to the George Floyd related protests. Some of the interviews were conducted in group settings, with as many as 25 NYPD uniformed members of the service and in those instances, names were not sought nor recorded, while other interviews were conducted on an individual basis. I did not record any of my conversations with these 100 or so individuals, either via audio or video. I often did not take any notes and to the extent that I did, they were memorialized within the electronic working draft of the report, contemporaneous to each interview. Other than through my own personal memory, there is no way to attribute any of the opinions expressed in my draft report to anyone I interviewed.

10. As I worked on my draft report, I incorporated my personal observations and opinions as to the efficacy of the existing NYPD protocols for responding to mass protests and other relevant policies and procedures, as well as my thoughts and suggestions for ways to amend certain of these policies and procedures going forward.

11. During the time I was preparing my draft report, I would check in with then-Commissioner Shea approximately every two weeks to provide him with an update as to my progress on the draft report and my ideas for changes in policies and protocols.

12. In a few instances, these regular check-ins resulted in real-time changes, such as the immediate adoption of my suggestion that the NYPD purchase fire extinguishers, known as “Cold Fire,” to place in police vehicles, so officers could quickly eliminate dangerous conditions

resulting from the frequent fires that had been occurring in police vehicles and elsewhere at protests and riots.

13. Around early August of 2020, I finished my draft report and sent copies of my final draft to then-Commissioner Shea and John Miller, Deputy Commissioner of Intelligence and Counterterrorism.

14. Shortly after that, this draft was circulated to a slightly larger group of executives within the NYPD, seeking comments and/or revisions; I received a great deal of input in response, including many suggested revisions, some of which I incorporated into an amended draft version that I reworked.

15. I never provided this reworked draft to then-Commissioner Shea.

16. To my understanding, my draft report was never finalized, accepted, or approved, and it was never published or released to the public or even to the entirety of the NYPD.

17. On Thursday, April 14, 2022, I provided a box of hard copy materials, all of which I'd amassed during my creation of the draft after-action report during the summer of 2020 and which I'd retained for safekeeping to members of the NYPD Legal Bureau for review. Also for their review, I produced to members of the NYPD Legal Bureau, on April 19, 2022, a USB flash drive containing electronic materials.

Dated: New York, New York
April 19, 2022



THOMAS CONFORTI

EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re: New York City Policing During Summer 2020 :
Demonstrations :

:
: No. 20 Civ. 8924 (CM) (GWG)

:
: **SUPPLEMENTAL AFFIDAVIT**
: **OF RETIRED NEW YORK**
: **CITY POLICE DEPARTMENT**
: **ASSISTANT CHIEF THOMAS**
: **CONFORTI**
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THOMAS CONFORTI, being duly sworn, hereby states under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I was an Assistant Chief with the New York City Police Department (“NYPD”) at the time of my retirement on April 23, 2022, from my position as the Commanding Officer of the Operations Bureau. In that capacity, my primary roles and responsibilities included overseeing the direction, management, and command of the Operations Bureau, developing and updating Citywide disaster response plans, and planning for and coordinating special projects and events, among other things. I held a variety of positions within the NYPD since joining in 1992. In the summer of 2020, I was the Executive Officer of the Training Bureau and was temporarily assigned to the Operations Division.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

2. I submit this affidavit at the request of the New York City Law Department, attorneys for the Defendants herein, to affirm that the complete set of records I provided to the NYPD Legal Bureau on April 14 and 19, 2022, referred to in my previous affidavit submitted in this matter on April 19, 2022, are listed in the Index in Exhibit A annexed hereto.

Dated: New York, New York
June 28, 2022


THOMAS CONFORTI

Sworn to before me this 28th day
of June, 2022


Notary Public

LAUREN MICHELLE CIRRITO
Notary Public, State of New York
Reg. No. 02CI6397041
Qualified in Suffolk County
Commission Expires August 26, 2023

EXHIBIT A

Index of All Materials Relating to the Creation of the Draft Conforti Report
Provided to NYPD Legal Bureau on April 14 and April 19, 2022

Materials in Box Provided to NYPD Legal Bureau on April 14, 2022

1. NOTES – INTRO –METHODOLOGY – TIMELINE
2. NOTES – THOMAS CONFORTI NOTES – EDP STORY – PROTEST ISSUES – BK COMMAND CETNER
3. 2020 NYC DEMOSTRATION ARREST ANALYSIS
4. ADDITIONAL ARREST ON COMPLAINT
5. ARREST REPORT
6. CCCS-OVERALL INDEX CRIME
7. CITYWIDE DISORDER ENFORCEMENT FROM 05.28.2020 (2)
8. CITYWIDE DISORDER ENFORCEMENT FROM 05.28.2020
9. CPSP
10. GEORGE FLOYD DEMONSTRATION – NOTES
11. GEORGE FLOYD DEMONSTRATION 05.27.2020
12. GEORGE FLOYD DEMONSTRATION 05.28.2020
13. GEORGE FLOYD DEMONSTRATION 05.29.2020
14. GEORGE FLOYD DEMONSTRATION 05.30.2020
15. GEORGE FLOYD DEMONSTRATION 05.31.2020
16. GEORGE FLOYD DEMONSTRATION 06.01.2020
17. GEORGE FLOYD DEMONSTRATION 06.02.2020
18. EMAIL – LT BROWER-AUDIO REQUEST – CONFORTI NTOES – CHOKEHOLD LAWS
19. EMS STATS FOR 05.28 TO 06.02.2020
20. EXECTUVIE STAFF
21. 21-25. AVIATION DVD
 - a. 21 EN.Genetec Video Player Quick Start Guide 5.8
 - b. 22 FR.Genetec Video Player Quick Start Guide 5.8
 - c. 23 Genetec Video Player
 - d. 24 Fordham Road Aviation video 1
 - e. 25 Fordham Road Aviation video 2
26. ALLISON McCANN EMAIL THREAD – MEDIA INQUIRIES & INTERVIEWS – DCPI
27. NOTES – CJB
28. REQUEST FOR GENTECH AVIATION ACCESS 49
29. THOMAS CONFORTI EMAIL THREAD – PROTEST DEPLOYMENT – ZONES 1 TO 5
30. AVL ANALYSIS SCHOOL SAFETY DIVISION - SRG FFO EXECUTIVE AWARENESS - SELECTED EQUIPMENT REPORT - BUSES SSIGNED
31. VANDALIZED VEHICLES 06.25.2020
32. CASE NUMBER - DISPOSITION - FORCE ALLEGATION - ALLEGATION FINDING

33. ARREST PROCESSED AT MAPC 1PP - MAY 202 TO JUNE 2020
34. DETAIL FOR FLOYD PROTEST 06.05.2020 - MAY TO JUNE 2020 ARREST PROCESSED AT MAPC
35. MAPC LOCATIONS DURING PROTESTS - MAPC POST LISTS
36. MAPC TOTAL - TOTAL ARRESTS - BORO TOTAL
37. MASS ARREST REPORT 1 OF 3
38. MASS ARREST REPORT 2 OF 3
39. MASS ARREST REPORT 3 OF 3
40. MCCAULEY, DANIEL EMAIL THREAD - CJB ANALYSIS
41. PHOTOS - CTB – CARRICADES
42. CTB CRC - RESPONSE TO GEORGE FLOYD PROTEST
43. BUREAU PLATOON 1 TO 3 BODY COUNT MAY TO JUNE 2020
44. DAILY CIVIL UNREST VEH DAMAGE REPORT 2020 - DETAILS FILLED BY OPERATIONS - UMOs COUNTS BY RANK
45. EXECUTIVE STAFF BY BUREAU
46. RANDALL'S ISLAND CITYWIDE MOBILIZATION TRACKING SHEET - JULY 02, 2020
47. PowerPoint Presentation
48. GEORGE FLOYD AFTER-ACTION DISCUSSION
49. AFTER ACTION REPORT - ACTIVE SHOOTER BX LEBANON HOSPITAL - JUNE 30, 2017
50. GEORGE FLOYD DEMONSTRATIONS MAY 28 TO JUNE 2 - DC MULLANE
51. POWER OUTAGE PLAN - MAY 13, 2020 - DC MULLANE
52. MAJOR INCIDENT ACTION PLAN – PBMS
53. MTS UNUSUAL DISORDER CONTROL PLAN - 2020 - INSPECT. TIMONEY
54. FINEST MESSAGES 05.30.2020 TO 06.23.2020
55. FLOYD DEMO QUICK REFERENCE - PROTEST-CIVIL DISORDER OBSERVATIONS AND RECOMMENDATIONS
56. DB SMART CASE MANAGEMENT BREAKDOWN 2020
57. EXTREMIST ACROSS IDEOLOGICAL SPECTRUM EXPLOIT ONGOING PROTEST IN RECENT PROPAGANDA CAMPAIGNES AIMED AT INCITING VIOLENCE
58. MAY 27 TO JUNE 29 2020 GROUP-EVENT
59. NYPD INTELLIGENCE BUREAU
60. PROTEST SPREADSHEET MAY TO JUNE 2020
61. DCU - TACTICAL, LOGISTICAL, AND OPERATIONAL CONSIDERATIONS
62. DISORDER CONTROL GUIDELINES CPR
63. DISORDER CONTROL GUIDELINES SYNOPSIS
64. 1 OCTOBER AFTER ACTION REVIEW - LAS VEGAS METROPOLITAN PD
65. ALLEGATIONS RECEIVED - CCRB REPORTS
66. CORP. COUNSEL REP. GEORGE FLOYD PROTESTS IN NYC
67. IAB DATA REGARDING PROTESTS 05.27.2020 AND 06.05.2020
68. LESSONS FROM THE OCCUPY MOVEMENT, FERGUSON & BEYOND - A GUIDE FOR POLICE
69. NYC DEP. OF INVESTIGATION - INVESTIGATION INTO NYPD RESPONSE TO THE GEORGE FLOYD PROTESTS

70. COMMAND & GENERAL STAFF - COMPLEX INCIDENTS - OCTOBER 2013 - 1 OF 6
71. COMMAND & GENERAL STAFF - COMPLEX INCIDENTS - OCTOBER 2013 - 2 OF 6
72. COMMAND & GENERAL STAFF - COMPLEX INCIDENTS - OCTOBER 2013 - 3 OF 6
73. COMMAND & GENERAL STAFF - COMPLEX INCIDENTS - OCTOBER 2013 - 4 OF 6
74. COMMAND & GENERAL STAFF - COMPLEX INCIDENTS - OCTOBER 2013 - 5 OF 6
75. COMMAND & GENERAL STAFF - COMPLEX INCIDENTS - OCTOBER 2013 - 6 OF 6
76. FIREARMS & TACTICS SECTION - USE OF O.C PEPPER SPRAY DEVICES
77. PHYSICAL TRAINING AND TACTICS CHAPTER 8 - EXPANDABLE BATON
78. SPECIALIZED COMMAND ROLL CALLS FOR AUGUST, SEPTEMBER, & OCTOBER 2020
79. JOINING OPERATIONS CENTER BLM - DEMO FOR GEORGE FLOYD - JUNE 2020
80. JOINING OPERATIONS CENTER BLM - DEMO FOR GEORGE FLOYD - MAY 2020
81. PATROL GUIDE - PROCEDURE #213-06 TO 213-19
82. PATROL GUIDE - PROCEDURE #220-28 & 221-07 & 213-02 TO 213-05
83. AFTER ACTION REPORT EDITS - EMAIL THREAD FROM CHERNYAVSKY, OLEG
84. AFTER ACTION SUMMARY - DIRECTION OF THE POLICE COMMISSIONER
85. DRAFT FORWARD TO AFTER ACTION REPORT - EMAIL FROM ANDREW, WILLIAM
86. DRAFT LETTER WITH AFTER ACTION REPORT TO MAYOR DEBLASIO
87. NOTES-ARTICLES CITED FOR THIS TIMELINE - TIMELINE GEORGE FLOYD
88. Mark-up of Draft Conforti Report dated 9/11/20
89. Mark-up of Draft Conforti Report dated 8/11/20
90. BOROUGH INCIDENT DATE ALL ASSIGN 2020 - RESPONSE TIMES - COUNT INCIDENTS
91. COLD FIRE INFORMATION
92. COMMUNICATIONS DIVISION AFTER-ACTION REPORT 49
93. COMMUNICATIONS SECTION STATISTICAL UNIT REPORT
94. CONFORTI EMAIL - EMS STATS - FINEST RECAP - 12HR TOUR NONCOMPLIANCE
95. CONFORTI THOMAS EMAIL THREAD - ARREST RE-COUNT FOR WED MAY 27TH & 28 - EMS STATS - FINEST RECAP DURING PROTEST - 12 HR TOUR NONCOMPLIANCE
96. MESSAGE FROM DA - DAMAGE TO DEP FACILITIES - WORK ORDERS
97. PC BRIEF 69 OSI - MONETARY LOSS - METHODOLOGY PROTEST ACTIVITY (2 copies)

Documents on USB Flash Drive Provided to NYPD Legal Bureau on April 19, 2022

98. "Additional Findings"
99. "After Action Discussion Document"
100. "After Action Plan Final2"
101. "After Action Plan Near final.Andrews docx"
102. "After Action Plan Near final"
103. "After Action Plan Near final1"
104. "After Action. Andrews"
105. "After action"
106. "afteractionfinalllpp"
107. "Charts for after action"
108. "De-arrest"
109. "Misc"
110. "Miscii"
111. "nypd addd"
112. "NYPDhalf and half andrews edits final"
113. "NYPDhalf and half andrews edits finallllll"
114. "NYPDhalf and half andrews edits"
115. "NYPDhalf and half"
116. "Organized Gatherings Section"
117. "Over this period"
118. "PC Briefing Protest"
119. "Recommendation"
120. "Technology played an important role in the Departments efforts to efficiently monitor ongoing demonstrations throughout the city"
121. "The Intelligence Bureau is the primary sourse within the Department for information regarding protest activity"
122. "The NYPD is world renown for the ability to effectively and safely police large gatherings"
123. "Timeline George Floyd v1"
124. "Timeline George Floyd v2"
125. "After Action Cover" photo
126. Cold Fire image 1 "56AF1D82-DC3B-4C21-AC9D-8538718642A8 (1)"
127. Cold Fire image 2 "F2F92D28-4325-4738-A934-63683DCA862E (2)"
128. "05-31-2020 BLM George Floyd DEMO"
129. "Excel: burglary locations 5-27 to 6-3 final"
130. "Images" (word doc)
131. Radio transmission 1 "CW1 10-13 Last Transmission"
132. Radio transmission 2 "CW1 RX last transmission"
133. Aviation radio 1 "Aviation 14 Tiebout"
134. Aviation radio 2 "Aviation Zone 15"
135. 3 aviation videos (Fordham road June 1, 2020)
 - a. 135. "helicopter"
 - b. 136. "M-Helicopter-4_2020-06-01_22h09min59s683ms"
 - c. 137. "M-Helicopter-4_2020-06-01_22h09min59s683ms_mpeg4"
138. 138-206. 70 photos of demos